

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 05-2191

IN RE: IT GROUP, INC.,

Debtor

JOHN ACCARDI; DAVID L. BACKUS; ROCHELLE BOOKSPAN; MELISSA L.
DUBINSKY; DENNIS G. FENN; JOHN P. FRANZ; WILLIAM A. GAUNTT;
THOMAS W. GRIMSHAW; DAVID W. HICKMAN; WARREN C. HOUSEMAN;
STEPHEN C. KENNEY; JAMES R. MAHONEY; THOMAS R. MARTI; DAVID
W. MAYFIELD; WILLIAM H. MCINTOSH; ROY MCKINNEY; DAVID C.
MCMURTRY; DANIEL C. MELCHIOR, III; GEORGEANN N. MOREKAS;
WILLIAM C. PARIS; MATTHEW G. RADEK; KEVIN R. SMITH; LOUIS
STOUT; LEONARD YAMAMOTO; JOHN E. FOLEY; JAMES M. REDWINE;
STEWART BORNHOFT; ENZO ZORATTO; POLLY QUICK

Appellants

v.

IT LITIGATION TRUST; IT GROUP, INC., and their Affiliates,
as employers and fiduciaries, administrators and sponsors
of the Plan; CARLYLE PARTNERS II, LP, as fiduciary of the
Plan and/or tortfeasor; ANTHONY DELUCA; FRANCIS J. HARVEY;
HARRY J. SOOSE, as fiduciaries of the Plan and as
officers; IT CORPORATION DEFERRED COMPENSATION PLAN
EFFECTIVE JANUARY 1, 1996

MARK S. KENNEY,

Trustee

On Appeal from the United States District Court
for the District of Delaware
(D.C. Civil No. 04-cv-00146)
District Judge: Honorable Joseph J. Farnan, Jr.

Argued April 3, 2006

Before: RENDELL, SMITH, and BECKER*, Circuit Judges

JUDGMENT

This cause came on to be heard on the record from the United States District Court for the District of Delaware and was argued on April 3, 2006. On consideration whereof, it is now here

ORDERED and ADJUDGED by this Court that the Order of the District Court entered on April 1, 2005, be and the same is hereby AFFIRMED. All of the above in accordance with the Opinion of this Court. Costs taxed against Appellants.

ATTEST:

/s/ Marcia M. Waldron, Clerk

Dated: May 25, 2006

* The Honorable Edward R. Becker approved this opinion but died before it was released.

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**Certified as a true copy and issued in lieu
of a formal mandate on June 16, 2006**

Teste:

Marcia M. Waldron

**Clerk, U.S. Court of Appeals
For the Third Circuit**

A True Copy

Marcia M. Waldron

Marcia M. Waldron, Clerk